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| 10/735,619 | 12/16/2003 | Kanako Matsunami | 031328 | 2632 |
| 23850 7590 06/12/2008 KRATZ, QUINTOS & HANSON, LLP 1420 K Street, N.W. Suite 400 WASHINGTON, DC 20005 | | | | |
| EXAMINER | | | | |
| CHIO, TAT CHI | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 2621 | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/735,619

Applicant(s)

MATSUNAMI, KANAKO

Examiner

TAT CHI CHIO

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (US 6,266,481 B1) in view of Baese et al. (US 2002/0040477 A1) and Nono (US 7,209,632 B2).

Consider claim 1, Lee et al. teach an apparatus comprising: a receiver for receiving waves of television broadcast (10 of Fig. 2), receiving state detector for detecting receiving state of the wave of television broadcast before recording (11 of Fig. 2 and col. 5, lines 41-44, the demodulator detects the state (first state: the signal contains no error and second state: the signal contains error) of the signal), a judger for judging whether the recording is permitted based on a detected result of the receiving state detector (13 of Fig. 2 and col. 5, lines 44-47), and a notifier for notifying the user that such a situation that the recording is not permitted occurs when it is judged that the recording is not permitted (col. 5, lines 51-57). However, Lee et al. fail to explicitly teach

that the apparatus is a portable television receiver and the receiving state of the wave is the reception level of the television broadcast wave.

Baese et al. disclose a portable television ([0002]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the apparatus of Lee et al. with a portable television disclosed by Baese et al. since this combination provides users more convenience that they are able to watch their regularly watched programs even when they are not home.

Nono teaches the receiving state of the wave is the reception level of the television broadcast wave (col. 9, line 55-col. 10, line 59). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a determining means as taught by Nono to determine whether the weather condition affects the receiving state of the broadcast to let the user know in advance the possibility of degradation in receive of image quality due to bade weather during the broadcast time period of the program.

Consider claim 2, Lee et al. teach a portable television receiver wherein the receiving state detector executes the detection operation at a predetermined time before the start time of programmed recording (col. 5, lines 41-44, the demodulator detects the state of the signal before the signal arrives to the recorder).

Consider claim 3, Lee et al. teach a portable television receiver wherein the receiving state detector repeats the detection operation (the demodulator demodulates the signal whenever the signal comes in, col. 5, lines 41-44), the judging means repeats the judging operation (the conditional access circuit determines if the signal constitutes

a program that is authorized for recording by the television receiving apparatus whenever the signal comes in, col. 5, lines 44-47), and the notifying means repeats the notifying operation until it is judged that the recording is permitted or until the user cancels the programmed recording (the viewer is notified whenever the program is not authorized to be recorded until the view obtains the necessary authorization to record the program, col. 5, lines 51-60).

Consider claim 4, Lee et al. teach a portable television receiver wherein the notifier performs notification by showing on a display a message that the recording is not permitted (col. 5, lines 51-57).

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (US 6,266,481 B1) in view of Baese et al. (US 2002/0040477 A1) and Nono (US 7,209,632 B2) as applied to claim 1 above, and further in view of Matsugami (US 2003/0099462 A1).

Consider claim 5, Lee et al., Baese et al., and Nono teach all the limitations in claim 1 but fail to teach a portable television receiver wherein the notifying means performs notification by the production of sound.

Matsugami teaches a portable television receiver wherein the notifying means performs notification by the production of sound ([0146]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to produce sound to notify the viewer since changing the way of giving notices signifies the degree of importance.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAT CHI CHIO whose telephone number is (571)272-9563. The examiner can normally be reached on Monday - Thursday 9:00 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571)-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. C. C./
Examiner, Art Unit 2621

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621